

108TH CONGRESS
1ST SESSION

H. R. 3432

To amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2003

Mr. BLUMENAUER (for himself, Mr. MANZULLO, Mr. MORAN of Virginia, Mr. SIMMONS, Mr. FARR, Mr. GREENWOOD, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. INSLEE, Mr. MOLLOHAN, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. KANJORSKI, Ms. WOOLSEY, Mr. HOFFEL, Mr. HILL, Mrs. KELLY, Mr. ALLEN, Mrs. CHRISTENSEN, Mr. MURTHA, Mr. HOLT, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. WYNN, Mrs. MCCARTHY of New York, Mr. RODRIGUEZ, Mr. MARKEY, Mr. EVANS, Mr. RAHALL, Mr. OWENS, Mr. STARK, Mr. McNULTY, Mr. LEWIS of Kentucky, Mr. LIPINSKI, Mr. THOMPSON of California, Mr. BAIRD, Mr. CLAY, Mr. ENGLISH, Mrs. EMERSON, Ms. KILPATRICK, Mr. ACKERMAN, Mr. FROST, Mrs. LOWEY, Mr. KUCINICH, Mr. DOOLEY of California, Mr. BOEHLERT, Ms. DELAURO, Mr. POMEROY, Mr. OSBORNE, Ms. CARSON of Indiana, Mr. SHAYS, Ms. ESHOO, Ms. BALDWIN, and Mr. COOPER) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post Office Community
5 Partnership Act of 2003”.

6 **SEC. 2. PROCEDURES RELATING TO THE PROPOSED CLOS-**
7 **ING, CONSOLIDATION, RELOCATION, OR CON-**
8 **STRUCTION OF A POST OFFICE.**

9 (a) **APPLICABILITY.**—Section 404(b) of title 39,
10 United States Code, is amended by redesignating para-
11 graphs (2) through (5) as paragraphs (3) through (6), re-
12 spectively, by striking “(b)(1)” and inserting “(2)”, and
13 by inserting before paragraph (2) (as so redesignated) the
14 following:

15 “(b)(1) This subsection shall apply in the case of any
16 proposed closing, consolidation, relocation, or construction
17 of a post office.”.

18 (b) **ADVANCE NOTICE.**—Paragraph (2) of such sec-
19 tion 404(b) (as so redesignated) is amended to read as
20 follows:

21 “(2)(A) The Postal Service, before making a deter-
22 mination under subsection (a)(3) as to the necessity for
23 a proposed action described in paragraph (1), shall, in
24 order to ensure that local government officials and the
25 persons who are (or would be) served by the post office

1 involved will have an opportunity to present their views,
2 provide adequate notice of its intention to take such action
3 with respect to such post office at least 60 days before—

4 “(i) in the case of the proposed construction of
5 a post office, the date of the determination under
6 subsection (a)(3); or

7 “(ii) in the case of an action other than the
8 proposed construction of a post office, the proposed
9 date of such action.

10 “(B) The requirements of this paragraph shall not
11 be considered met unless the notice—

12 “(i) has, by the deadline specified in subpara-
13 graph (A)—

14 “(I) been hand delivered or delivered by
15 mail to local government officials and the other
16 persons required under subparagraph (A); and

17 “(II) been published once a week for at
18 least 4 weeks in 1 or more newspapers regularly
19 issued and of general circulation within the zip
20 code areas which are (or would be) served by
21 the post office involved; and

22 “(ii) includes a description of the action pro-
23 posed to be taken with respect to the post office in-
24 volved, a summary of the reasons for the proposed
25 action, and the date on which such action is pro-

1 posed to be taken (or, if the construction of a post
2 office is involved, the proposed timetable therefor).”.

3 (c) CONSIDERATIONS.—Paragraph (3) of such sec-
4 tion 404(b) (as so redesignated) is amended—

5 (1) in the matter before subparagraph (A), by
6 striking “to close or consolidate” and inserting “to
7 take a proposed action with respect to”;

8 (2) by striking “such closing or consolidation”
9 each place it appears and inserting “such action”;

10 (3) in subparagraph (A)(i), by striking the
11 semicolon and inserting “, taking into account (I)
12 the extent to which the post office is part of a core
13 downtown business area (if at all), and (II) the na-
14 ture and the extent of any opposition within the
15 community to the proposed action;”;

16 (4) in subparagraph (A)(ii), by striking “Serv-
17 ice employed at such office;” and inserting “Serv-
18 ice;”;

19 (5) in subparagraph (A)(iv), by inserting
20 “quantified long-term” before “economic”; and

21 (6) in subparagraph (A), by striking “and” at
22 the end of clause (iv), by redesignating clause (v) as
23 clause (viii), and by inserting after clause (iv) the
24 following:

1 “(v) any views or concerns expressed by
2 any officials or other representatives of local
3 government, including whether the proposed ac-
4 tion is reasonable in light of local population
5 projections;

6 “(vi) consistency with the size, scale, de-
7 sign, and general character of the surrounding
8 community;

9 “(vii) whether all reasonable alternatives to
10 such action have been explored; and”.

11 (d) NOTICE OF DETERMINATION.—Paragraph (4) of
12 such section 404(b) (as so redesignated) is amended—

13 (1) by striking “to close or consolidate” and in-
14 serting “to take a proposed action (described in
15 paragraph (1)) with respect to”;

16 (2) by striking “paragraph (2)” and inserting
17 “paragraph (3)”; and

18 (3) by striking “office.” and inserting “office
19 (including by posting a copy of such determination
20 in the post office or each post office serving the per-
21 sons who will be affected by such action) and shall
22 be transmitted to appropriate local officials.”.

23 (e) ADDITIONAL REQUIREMENTS.—Such section
24 404(b) is amended by adding at the end the following:

1 “(7) In any case in which a community has promul-
2 gated any procedures to address the relocation, closing,
3 consolidation, or construction of buildings in the commu-
4 nity, and the public participation requirements of those
5 procedures are more stringent than those provided in this
6 subsection, the Postal Service shall apply those procedures
7 to the relocation, closing, consolidation, or construction of
8 a post office in that community in lieu of applying the
9 procedures established in this subsection.

10 “(8) In making a determination to relocate, close,
11 consolidate, or construct any post office, the Postal Serv-
12 ice shall comply with any applicable zoning, planning, or
13 land use laws (including design guidelines, building codes,
14 and all other provisions of law) to the same extent and
15 in the same manner as if the Postal Service were not an
16 establishment of the Government of the United States.

17 “(9) Nothing in this subsection shall be construed to
18 apply to a temporary customer service facility to be used
19 by the Postal Service for a period of less than 60 days.

20 “(10)(A) For purposes of this paragraph the term
21 ‘emergency’ means any occurrence that forces an imme-
22 diate relocation from an existing facility, including natural
23 disasters, fire, health and safety factors, and lease termi-
24 nations.

1 “(B) If the Postmaster General determines that there
2 exists an emergency affecting a particular post office, the
3 Postmaster General may suspend the application of this
4 subsection, with respect to such post office, for a period
5 not to exceed 180 days.

6 “(C) The Postmaster General may exercise the sus-
7 pension authority under this paragraph with respect to a
8 post office once for each discrete emergency affecting such
9 post office.

10 “(11) The relocation, closing, consolidation, or con-
11 struction of any post office shall be conducted in accord-
12 ance with applicable provisions of the National Historic
13 Preservation Act.”.

14 (f) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Such section 404(b) is amended—

16 (1) in paragraph (5) (as so redesignated) by
17 striking “take no action to close or consolidate” and
18 inserting “take no action described in paragraph (1)
19 with respect to”; and

20 (2) in paragraph (6) (as so redesignated)—

21 (A) by striking “to close or consolidate”
22 and inserting “to take any action described in
23 paragraph (1) with respect to”; and

- 1 (B) by striking “paragraph (3)” and in-
- 2 serting “paragraph (4)”.

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